

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

Blue Spike, LLC,

Plaintiff,

V.

Texas Instruments, Inc., et al.,

Defendants.

CASE NO. 6:12-cv-499 MHS

LEAD CASE

Jury Trial Demanded

**Declaration of Randall Garteiser in Support of Plaintiff Blue Spike, LLC’S
Motion to Strike Defendants’ Expert Declarations of
John Snell and Professor Matthew Turk [Dkt. 1752]**

I, Randall Garteiser, declare as follows:

1. I, Randall T. Garteiser, am a partner in the law firm of Garteiser Honea, P.C. We represent Plaintiff Blue Spike, LLC in this lawsuit. I have personal knowledge of the information contained in this declaration and can testify to the truth of these statements.

2. Attached hereto as Exhibit A is a true and correct copy of the Defendants' 4-2(b) disclosure statement dated June 27, 2014.

3. Attached hereto as Exhibit B is a true and correct copy of an communication I sent to Opposing counsel regarding Defendants' use of Professor Matthew Turk regarding indefiniteness.

4. Attached hereto as Exhibit C is a true and correct copy of a letter sent from Opposing Counsel about certain Defendants' reliance on the expert declaration of Dr. Keven W. Bowyer for the Defendants' Indefiniteness motion regarding the specific term "Abstract."

5. On August 28, 2014, Defense counsel stated in an email that Professor Matthew Turk would be available for deposition on September 19, 2014. I asked opposing counsel whether or not Professor Matthew Turk would supply a declaration in support of the Defendants' motion for summary judgment on indefiniteness. Defense counsel did not respond.

6. Given the Defendants' supplemental 4-3 statement and the Defendants' failure to disclose their reliance on expert testimony regarding indefiniteness, counsel for Blue Spike, LLC relied on the fact that the expert testimony would not be used for the issue of indefiniteness.

I declare on September 11, 2014, in Smith County under penalty of perjury under the laws of the United States and Texas that the statements made in this declaration are true and correct.

/s/ Randall Garteiser
Randall Garteiser